

May 20, 2003

RICHARD LATHIM
490 MOULTON LANE
PASCO WA 99301

Subject: Complaint Filed Against the Danny McCary Campaign – PDC Case No. 03-151

Dear Mr. Lathim:

The Public Disclosure Commission staff has completed its investigation of your complaint received October 5, 2002, alleging that the Danny McCary campaign failed to timely file the post-primary election Summary, Full Report of Receipts and Expenditures (PDC form C-4), an alleged violation of RCW 42.17.080 and 42.17.090.

RCW 42.17.080 requires candidates to file a C-4 report on the tenth day of the first month after the election. The post-election report is required to include all contribution and expenditure activity from the closing date of the last report filed through the last day of the month preceding the date of the current report.

RCW 42.17.090 requires candidates to include on the C-4 report details of contribution and expenditure activity during the period covered by the report.

You alleged that the Danny McCary campaign failed to timely file the post-primary election C-4 report, due on October 10, 2002, after Mr. McCary lost in the primary. We found:

- The post-election report due on October 10, 2002, was filed on January 31, 2003.
- Mr. McCary thought that the post election C-4 report had been timely filed on October 7, 2002, but later acknowledged that the report was lost between him and his treasurer, and was not timely filed with the PDC or the Franklin County Elections Office.
- The late-filed post-primary election C-4 report included two deposits totaling \$1,945. However, both deposits were timely reported on C-3 reports. The C-4 report also included expenditures totaling \$2,815.86 and a loan repayment of \$792.87.

While the Public Disclosure Commission does not condone late filing, Mr. McCary's only late filed C-4 report, which he believed had been timely filed, was the post-primary election report that was due at a time when he was no longer a candidate. The remainder of Mr. McCary's campaign reports were filed in substantial compliance with reporting dates. Thus, the alleged violations do not warrant further enforcement action. Mr. McCary will be cautioned to timely file campaign finance reports in future election campaigns.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against the Danny McCary campaign.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at pstutzman@pdc.wa.gov.

Sincerely,

Vicki Rippie
Executive Director

c: Danny McCary